

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PAMELA LEE,	)	
	)	
Plaintiff,	)	
	)	Cause No.: 4:22-cv-00948
v.	)	
	)	Missouri Circuit Court for St. Louis County
WERNER CO.,	)	Missouri Cause No. 22SL-CC-03567
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441 et seq., Werner Co. files its Notice of Removal of this lawsuit originally filed in the Missouri Circuit Court for St. Louis County, and in support of this Notice states:

1. This is a civil action over which this Court has original subject matter jurisdiction, pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441 et seq.
2. Plaintiff's Petition asserts personal injury claims and is a controversy between citizens of different states. (Exhibit A, Plaintiff's Petition).
3. "Diversity jurisdiction requires complete diversity of citizenship, meaning no defendant holds citizenship in the same state where any plaintiff holds citizenship." *Hammond v. Patterson Auto Sales, Inc.*, 2014 WL 6463351 at \*2 (E.D. Mo. Nov. 17, 2014) (internal citations omitted). "To establish complete diversity of citizenship, a complaint (or notice of removal) must include factual allegations of each party's state of citizenship." *Id.*

4. Plaintiff Pamela Lee asserts in her petition that she is a citizen of the State of Missouri. (Ex. A, ¶1); *see Cross Keys Pub. Co, Inc. v. LL Bar T Land & Cattle Co., Inc.*, 887 F. Supp. 219, 223 (E.D. Mo. 1995) (factual assertions in pleadings binding admissions).

5. A corporation “shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State of foreign state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). The phrase principal place of business refers to the place where a corporation’s high-level officers direct, control and coordinate the corporation’s activities. *Hertz Corp. v. Friend*, 559 U.S. 77, 78, 95-96 (2010).

6. Plaintiff has correctly pled that Defendant Werner Co. is a Delaware corporation with its principal place of business in Illinois. (Ex. A, ¶2). Because Defendant Werner Co. is incorporated in Delaware and its principal place of business is located in Illinois, Defendant is a citizen of the States of Delaware and Illinois.

7. Plaintiff Pamela Lee is a citizen of a state that is different than the Defendant and the defendant is not a citizen of the forum state. Therefore, this is an action between citizens of different states and jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332. *See also, Lincoln Property Co. v. Roche*, 546 U.S. 81, 82 (2005) (holding that defendant may remove an action on the basis of diversity if there is complete diversity between all named parties and no defendant is a citizen of the forum state).

8. Federal Courts “shall have original jurisdiction of all civil actions where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs and is between citizens of different states.” 28 U.S.C. § 1332(a)(1).

9. Typically, “the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy.” 28 U.S.C. § 1446(c)(2).

10. Plaintiff prays for an amount in excess of \$75,000. (Ex. A, Counts I-VIII).

11. This civil action is between citizens of the States of Missouri, Delaware, and Pennsylvania and the amount in controversy exceeds \$75,000.00. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

12. Defendant Werner Co. was served with plaintiff's petition on August 12, 2022. Pursuant to 28 U.S.C. § 1446(b) and Fed. R. Civ. P. 6(a)(1)(C), this Notice of Removal is timely filed within 30 days after service.

13. Venue is proper in this Court pursuant to 28 U.S.C. § 1441 and Local Rule 3-2.07 because this action was originally filed in St. Louis County, Missouri, which is included in this Court's judicial area.

14. Attached as Exhibit B is a true and correct copy of all process, papers, exhibits, pleadings and orders filed with the state court in this action.

15. Attached as Exhibit C is the Eastern District Court of Missouri Cover Sheet.

16. Attached as Exhibit D is the Original Filing Form.

WHEREFORE, Defendant Werner Co. prays that the above-captioned matter be removed from the Missouri Circuit Court of St. Louis County.

/s Joseph R. Swift  
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John R. McLeod #61031  
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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by the Court's electronic filing system on this 9<sup>th</sup> day of September, 2022 on the counsel of record.

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